

nomic conditions, so that our national economic progress will not be at the expense of any one group or area.

This Conference is an important opportunity for citizens organizations, public interest groups, labor and business representatives, and State and local officials to recommend ways in which my administration can work toward balanced economic growth and development in the years ahead.

I am pleased to announce the appointment of Dr. Michael S. Koleda, former vice president of the National Planning Association, as Director of the Conference. Under his able leadership, the Conference will become a national forum through which our concern about these issues and our determination to seek solutions can be expressed.

I have asked Secretary of Commerce Juanita M. Kreps to coordinate the efforts of her Department with those of the Departments of Agriculture and Housing and Urban Development and other departments and agencies in preparing for this Conference.

NOTE: On the same day, the White House announced the appointment, by Secretary of Commerce Juanita M. Kreps, of Dr. Michael S. Koleda as Director of the Conference.

Undocumented Aliens

Remarks on Transmitting a Message to the Congress. August 4, 1977

I have an announcement to make this afternoon, and then following my brief statement, the Attorney General and the Director of the Immigration and Naturalization Service and the Labor Secretary will answer your questions.

Within this last decade, the problem of undocumented aliens or illegal aliens or undocumented workers has become increasingly severe. It now comprises a total of literally millions of people who have come into our country against the law and who are still in the United States.

Last year alone, 875,000 undocumented workers were apprehended by the immigration officials, and the estimates are that only one out of three coming into our country are actually caught.

Last month alone, in San Diego County, 35,000 undocumented workers were apprehended, and this is a 25-percent increase over last year. So, the problem is not only severe but it's getting worse.

I'm today sending the Congress a message on this complex problem of undocumented aliens. As you may know, we've been studying this problem for the last several months, and the Congress has been working on it for the last several years.

I'm proposing actions that would meet four major needs: first of all, to regain greater control over our own borders; secondly, to limit employment opportunities of those who are illegally in our country and who are competing with American workers for scarce jobs; third, the registration and the regulation of the millions of undocumented workers who are already here; and, fourth, improving cooperation with countries from which these undocumented workers are coming into our own Nation.

The proposals that I'm making to Congress fulfill each of these needs. First of all, border controls would be improved by adding at least 2,000 additional enforcement officers at the borders and by concentrating their presence where the

crossing of our borders is most likely. Also, we will target our efforts against smuggling rings which now provide entry of undocumented aliens into our country.

Secondly, the employment opportunities would be limited by prohibiting employers, with strong civil penalties, from hiring undocumented aliens. The Justice Department would be responsible for the enforcement of the laws against these employers who habitually hire undocumented aliens, and if they violated court orders, of course, they would also be subject to criminal penalties.

In the process, we must be fair to the Latin American, Chinese-American, and other citizens who are here legally, so that an employer might not discriminate against them simply because of their racial origin.

We want to get as many of the millions of undocumented aliens as possible registered. And the inducement for this and a step that would give us tangible benefits would be to give them status which they do not presently enjoy—legal status.

Those who have been in this country since before 1970 would be eligible for permanent resident status and might start their 5-year process ultimately to become United States citizens. Those who entered between 1970 and 1977 would be eligible for temporary status, permitting them to remain here and to work, but on a temporary basis only. Those entering since the beginning of 1977 would be subject to immediate deportation.

The last point—to increase employment opportunities in the home countries from which the undocumented aliens come. We will work with the Government of Mexico—already are—and with other nations involved, to develop economic and technical assistance programs so it might be more attractive for undocumented workers who are here to go back

to their home countries and others to refrain from coming here illegally.

I hope that the Congress will move quickly on these proposals so that the actions can take effect very soon. We've worked very closely with the congressional leaders, and in the House, Congressman Rodino and Congressman Eilberg will sponsor this legislation. In the Senate, Senator Jim Eastland from Mississippi and Senator Ted Kennedy will sponsor the legislation. They have already told me that they will do it enthusiastically, and prompt hearings will begin on this subject.

I'd like to turn the rostrum over now to the other Government officials who will answer your questions about this matter.

NOTE: The President spoke at 2:20 p.m. to reporters assembled in the Briefing Room at the White House. Following his remarks, Attorney General Griffin B. Bell, Secretary of Labor Ray Marshall, and Leonel Castillo, Commissioner of the Immigration and Naturalization Service, held a news conference for reporters on the President's message.

Undocumented Aliens

Message to the Congress. August 4, 1977

To the Congress of the United States:

I am proposing to Congress today a set of actions to help markedly reduce the increasing flow of undocumented aliens in this country and to regulate the presence of the millions of undocumented aliens already here.

These proposed actions are based on the results of a thorough Cabinet-level study and on the groundwork which has been laid, since the beginning of the decade, by Congressmen Rodino and Eilberg and Senators Eastland and Kennedy. These actions will:

- Make unlawful the hiring of undocumented aliens, with enforcement by the Justice Department against those employers who engage in a "pattern or practice" of such hiring. Penalties would be civil—injunctions and fines of \$1000 per undocumented alien hired. Criminal penalties could be imposed by the courts against employers violating injunctions. Moreover, employers, and others, receiving compensation for knowingly assisting an undocumented alien obtain or retain a job would also be subject to criminal penalties.

- Increase significantly the enforcement of the Fair Labor Standards Act and the Federal Farm Labor Contractor Registration Act, targeted to areas where heavy undocumented alien hiring occur.

- Adjust the immigration status of undocumented aliens who have resided in the U.S. continuously from before January 1, 1970 to the present and who apply with the Immigration and Naturalization Service (INS) for permanent resident alien status; create a new immigration category of temporary resident alien for undocumented aliens who have resided in the U.S. continuously prior to January 1, 1977; make no status change and enforce the immigration law against those undocumented aliens entering the U.S. after January 1, 1977.

- Substantially increase resources available to control the Southern border, and other entry points, in order to prevent illegal immigration.

- Promote continued cooperation with the governments which are major sources of undocumented aliens, in an effort to improve their economies and their controls over alien smuggling rings.

Each of these actions will play a distinct, but closely related, role in helping to solve one of our most complex domestic problems: In the last several years,

millions of undocumented aliens have illegally immigrated to the United States. They have breached our nation's immigration laws, displaced many American citizens from jobs, and placed an increased financial burden on many states and local governments.

The set of actions I am proposing cannot solve this enormous problem overnight, but they will signal the beginning of an effective Federal response. My Administration is strongly committed to aggressive and comprehensive steps toward resolving this problem, and I am therefore proposing the following actions:

EMPLOYER SANCTIONS

The principal attraction of the United States for undocumented aliens is economic—the opportunity to obtain a job paying considerably more than any available in their own countries. If that opportunity is severely restricted, I am convinced that far fewer aliens will attempt illegal entry.

I am therefore proposing that Congress make unlawful the hiring by any employer of any undocumented alien. This employment bar would be implemented in the following way:

- Enforcement would be sought against those employers who engage in a "pattern or practice" of hiring undocumented aliens, with the Justice Department setting priorities for enforcement.

- Penalties for violation of the employment bar would be both injunctive relief and stiff civil fines—a maximum of \$1,000 for each undocumented alien hired by an employer. A violation of a court injunction would subject an employer to a potential criminal contempt citation and imprisonment.

- An employer would be entitled to defend any charge of hiring an undocumented alien by proving that a prospective

employee's documentation of legal residence, as designated by the Attorney General in regulations, was seen prior to employment.

- The Social Security card would be designated as one of the authorized identification documents; and we will accelerate the steps already being taken to make certain that such cards are issued, as the law now mandates, only to legal residents. Those steps include requiring personal interviews of card applicants and making the cards more difficult to forge. But no steps would be taken to make the Social Security card, or any other card, a national identification document.

- To further restrict job opportunities, criminal sanctions would be imposed on those persons who receive compensation for knowingly assisting an undocumented alien obtain or retain employment, or who knowingly contract with such persons for the employment of undocumented aliens. These sanctions are directed at the substantial number of individuals who broker jobs for undocumented aliens or act as agents for alien smugglers. It is *not* directed at those who inadvertently refer an undocumented alien to a job, such as an employment agency or a union hiring hall.

To make certain that all of these new sanctions are uniformly applied, they would pre-empt any existing state sanctions.

In addition to the creation of these new sanctions, efforts to increase enforcement of existing sanctions will be significantly increased. The Fair Labor Standards Act, which mandates payment of the minimum wage and provides other employee protections, would not only be strictly enforced, but its existing civil and criminal penalties would be sought much more frequently by the government. To date, the inability of the government to enforce fully this Act, due in part to a lack of

resources, has resulted in the hiring of undocumented aliens at sub-minimum wages, thereby often displacing American workers. Two hundred sixty new inspectors will be hired and targeted to areas of heavy undocumented alien employment. Similarly, the Federal Farm Labor Contractor Registration Act, which prohibits the recruiting and hiring of undocumented aliens for farm work, would be tightly enforced. The Departments of Justice and Labor will work closely in exchanging information developed in their separate enforcement activities.

While I believe that both the new and existing employer sanctions, and their strict enforcement, are required to control the employment of undocumented aliens, the possibility that these sanctions might lead employers to discriminate against Mexican-American citizens and legal residents, as well as other ethnic Americans, would be intolerable. The proposed employer sanctions have been designed, with their general reliance on civil penalties and "pattern or practice" enforcement, to minimize any cause for discrimination. However, to prevent any discriminatory hiring, the federal civil rights agencies will be charged with making much greater efforts to ensure that existing anti-discrimination laws are fully enforced.

BORDER ENFORCEMENT

The proposed employer sanctions will not, by themselves be enough to stop the entry of undocumented aliens. Measures must also be taken to significantly increase existing border enforcement efforts. While our borders cannot realistically be made impenetrable to illegal entry, greater enforcement efforts clearly are possible, consistent with preserving both the longest "open" borders in the world and our humanitarian traditions.

I am proposing to take the following increased enforcement measures, most of

which will require Congressional approval for the necessary additional resources:

- Enforcement resources at the border will be increased substantially and will be reorganized to ensure greater effectiveness. The exact nature of the reorganization, as well as the amount of additional enforcement personnel, will be determined after the completion in September of our ongoing border enforcement studies. It is very likely, though, that a minimum of 2000 additional enforcement personnel will be placed on the Mexican border.

- INS will shift a significant number of enforcement personnel to border areas having the highest reported rates of undocumented alien entry.

- An anti-smuggling Task Force will be established in order to seek ways to reduce the number and effectiveness of the smuggling rings which, by obtaining forged documents and providing transportation, systematically smuggle a substantial percentage of the undocumented aliens entering the country. The U.S. Attorneys will be instructed to give high priority to prosecuting individuals involved in alien smuggling.

- The State Department will increase its visa issuance resources abroad to ensure that foreign citizens attempting to enter this country will be doing so within the requirements of the immigration laws.

- Passage will be sought of pending legislation to impose criminal sanctions on those who knowingly use false information to obtain identifiers issued by our Government, or who knowingly use fraudulent Government documents to obtain legitimate Government documents.

- The State Department will consult with countries which are the sources of significant numbers of undocumented aliens about cooperative border enforcement and anti-smuggling efforts.

COOPERATION WITH SOURCE COUNTRIES

The proposed employer sanctions and border enforcement will clearly discourage a significant percentage of those who would otherwise attempt to enter or remain in the U.S. illegally. However, as long as jobs are available here but not easily available in countries which have been the source of most undocumented aliens, many citizens of those countries will ignore whatever barriers to entry and employment we erect. An effective policy to control illegal immigration must include the development of a strong economy in each source country.

Unfortunately, this objective may be difficult to achieve within the near future. The economies of most of the source countries are still not sufficiently developed to produce, even with significant U.S. aid, enough jobs over the short-term to match their rapidly growing workforce.

Over the longer-term, however, I believe that marked improvements in source countries' economies are achievable by their own efforts with support from the United States. I welcome the economic development efforts now being made by the dynamic and competent leaders of Mexico. To further efforts such as those, the United States is committed to helping source countries obtain assistance appropriate to their own economic needs. I will explore with source countries means of providing such assistance. In some cases this will mean bilateral or multilateral economic assistance. In others, it will involve technical assistance, encouragement of private financing and enhanced trade, or population programs.

ADJUSTMENT OF STATUS

The fact that there are millions of undocumented aliens already residing in this country presents one of the most difficult questions surrounding the aliens phe-

nomenon. These aliens entered the U.S. illegally and have willfully remained here in violation of the immigration laws. On the other hand, many of them have been law-abiding residents who are looking for a new life and are productive members of their communities.

I have concluded that an adjustment of status is necessary to avoid having a permanent "underclass" of millions of persons who have not been and cannot practicably be deported, and who would continue living here in perpetual fear of immigration authorities, the local police, employers and neighbors. Their entire existence would continue to be predicated on staying outside the reach of government authorities and the law's protections.

I therefore recommend the following adjustments of status:

First, I propose that permanent resident alien status be granted to all undocumented aliens who have resided continuously in the U.S. from before January 1, 1970 to the present. These aliens would have to apply for this status and provide normal documentary proof of continuous residency. If residency is maintained, U.S. citizenship could be sought five years after the granting of permanent status, as provided in existing immigration laws.

The permanent resident alien status would be granted through an update of the registry provisions of the Immigration and Nationality Act. The registry statute has been updated three times since 1929, with the last update in 1965, when permanent resident alien status was granted to those who had resided here prior to 1948.

Second, all undocumented aliens, including those (other than exchange and student visitors) with expired visas, who were residing in the United States on or before January 1, 1977 will be eligible for a temporary resident alien status for five years.

Those eligible would be granted the temporary status only after registering with INS; registration would be permitted solely during a one-year period. Aliens granted temporary status would be entitled to reside legally in the United States for a five-year period.

The purpose of granting a temporary status is to preserve a decision on the final status of these undocumented aliens, until much more precise information about their number, location, family size and economic situation can be collected and reviewed. That information would be obtained through the registration process. A decision on their final status would be made sometime after the completion of the registration process and before the expiration of the five-year period.

Temporary resident aliens would not have the right to vote, to run for public office or to serve on juries; nor would they be entitled to bring members of their families into the U.S. But they could leave and re-enter this country, and they could seek employment, under the same rules as permanent resident aliens.

Unlike permanent resident aliens, temporary resident aliens would be ineligible to receive such Federal social services as Medicaid, Food Stamps, Aid to Families with Dependent Children, and Supplemental Security Income. However, the allocation formulas for Revenue Sharing, which are based on population, would be adjusted to reflect the presence of temporary resident aliens. The adjustment would compensate states and local communities for the fact that some of these residents—undocumented aliens—are currently not included in the Census Bureau's population counts. That undercount deprives certain states and communities of Revenue Sharing funds which, if Census figures were completely accurate, would be received and used to de-

fray certain expenses caused by the presence of undocumented aliens. Those receiving adjustments of status through the actions I am proposing would be included in the 1980 Census, so that the allocation charges would have to be made only through 1980.

Third, for those undocumented aliens who entered the United States after January 1, 1977, there would be *no* adjustment of status. The immigration laws would still be enforced against these undocumented aliens. Similarly, those undocumented aliens, who are eligible for adjustment of status, but do not apply, would continue to have the immigration laws enforced against them.

In addition, the INS would expedite its handling of the substantial backlog of adjustment of status applications from those aliens entitled to an adjustment under existing law.

Finally, those persons who would be eligible for an adjustment of status under these proposals must not be ineligible under other provisions of the immigration laws.

TEMPORARY FOREIGN WORKERS

As part of these efforts to control the problem of undocumented aliens, I am asking the Secretary of Labor to conduct, in consultation with the Congress and other interested parties, a comprehensive review of the current temporary foreign worker (H-2) certification program. I believe it is possible to structure this program so that it responds to the legitimate needs of both employees, by protecting domestic employment opportunities, and of employers, by providing a needed workforce. However, I am not considering the reintroduction of a *bracero*-type program for the importation of temporary workers.

IMMIGRATION POLICY

Our present immigration statutes are in need of a comprehensive review. I am therefore directing the Secretary of State, the Attorney General, and the Secretary of Labor to begin a comprehensive inter-agency study of our existing immigration laws and policies.

In the interim, I am supporting pending legislation to increase the annual limitation on legal Mexican and Canadian immigration to a total of 50,000, allocated between them according to demand. This legislation will help provide an incentive to legal immigration.

I urge the Congress to consider promptly, and to pass, the legislation I will submit containing the proposals described in this Message.

JIMMY CARTER

The White House,
August 4, 1977.

Intelligence Community

Announcement of Decisions on the Organization and Functions of the Community. August 4, 1977

Following consultations with the Vice President, his principal national security advisers, and congressional leaders, the President has completed his review of the NSC studies on the organization and functions of the intelligence community.

The President's decisions provide for needed changes while retaining the basic structural continuity of the intelligence community. The purpose of these changes is to provide for strong direction by the President and the National Security Council and to centralize the most critical national intelligence management functions under the Director of Central